

**PLANNING BOARD
TOWN OF MARILLA**

Date: August 18, 2005

Present: Debbie Zimmerman, Chairman Barbara Spanitz, Town Board
Nathan Barnard, Co-Chairman Robert Miller, Consult
Dan Handy John Fronczek, CEO
Judy Gillman
Rich Janiga
Paul Domanowski
Tom Wantuck

Guests: Leon Berner, Scott Witter, Bob Runge, Bob Gillman, Mark Longo, Linda Kueker, Donald Hirtzel, Sean Biggs, Nancy Lemke, Diane Gorzynski, Mary Earsing, John Finster, Susan M. O'Brian, Vincent Beisiegel, Kris & Judy Schindler, Eric & Adrienne Decker

- I. Debbie Zimmerman, Chairman, opened the Planning Board meeting at 7:00 p.m.
- II. **MOTION** to accept July minutes by Tom Wantuck, seconded by Paul Domanowski. All in favor – 7 ayes.
- III. Old Business

On the flowchart it was questioned if a public hearing was needed in the SEQR process and Bob Miller responded he will find out. Bob Miller reviewed the memo dated August 16, 2005, highlighting comments made by the Nussbaumer staff regarding the pre-sketch plan. The Nussbaumer staff reviewed the two plans deciding that the number of building lots is acceptable.

Tom Wantuck does not agree with the overlay district and feels we should leave the zoning the way it is now. Tom feels most people would not want this development in town and feels it does not fit our comprehensive plan.

Rick Janiga feels the parcel is already zoned subdivision and feels the overlay district makes sense in this situation.

Paul Domanowski agrees partially with Tom and is also afraid it would end up being a subdivision. Paul feels we will have more open space and would rather see a golf course.

Judy Gillman agrees this land would end up being strictly a subdivision. Judy would like to see the town remain rural but is in favor of the golf course.

Dan Handy feels a subdivision would not end up there. Dan agrees with Tom except he feels the landowner has more rights than what the town people want. This golf course will not hurt the town.

Debbie Zimmerman agrees with the overlay district stating she feels there would be a subdivision there if not a golf course. Debbie feels it is a good way to protect 400 acres of green space.

Nathan Barnard feels the conservation overlay is best. Nathan would rather see a golf course bringing in jobs which does not happen too often in Marilla.

MOTION by Richard Janiga to recommend to the Town Board approval of the conservation overlay district, seconded by Judy Gillman.

Roll call vote:

Tom Wantuck – nay

Judy Gillman – aye

Rich Janiga – aye

Nathan Barnard -- aye

Paul Domanowski – aye

Debbie Zimmerman -- abstain

Dan Handy – abstain

Motion carried.

Nathan Barnard stated by looking at the flowchart that the next step would be the applicant and Planning Board discussing the project. The Planning Board to give recommendations with respect to layout, zoning requirements, and consistency with Comprehensive Plan. The Planning Board will go over the August 16, 2005, list from Nussbaumer.

John R. Finster from the Erie County Health Department spoke stating the subdivision law contains two pieces one is the health law making sure that there is proper drinking water and the other side is the environmental law which is the sewage treatment facility. Mr. Finster handed out “Part 74 Approval of Realty Subdivision” which contains various definitions. Mr. Finster stated up to 49 lots can have septic systems in subdivisions.

Dan Handy questioned the size of the water lines.

Linda Kueker of 375 Two Rod Road questioned if water pressure would be affected.

John Finster stated that a water pressure recorder would be installed and the pressure can never drop below 20 psi.

Mary Earsing of S-106 Two Rod Road asked what will happen to someone owning an existing water well on this property.

John Finster stated there are safe guards put on in terms of setbacks.

John Finster stated this project has a lot of environmental and regulatory hurdles to go through especially with it being split between two towns.

A gentleman questioned if the water supply to the subdivision and water sewage treatment would require additional water.

John Finster responded no.

The Planning Board thanked John Finster for attending our meeting.

Attorney Mark Longo stated they would like to go over Nussbaumer & Clarke's recommendations. Barbara Spanitz stated they will be discussing the overlay district at their work session on Tuesday and the public hearing will be held on September 8, 2005. The Planning Board thanked the gentlemen for attending our meeting.

John Finster stated Flag Lots are considered part of the splits that will define whether or not you have a subdivision. Mr. Finster stated his concern would be if they would meet the standards of putting septic systems in terms of drainage.

IV. CEO Report

None.

V. Town Board Report

Barbara Spanitz stated the Flag Lots were approved. There will be 200 feet between driveways but if someone has a lesser amount they can apply to the Town Board for a variance.

VI. Open Presentations from the Floor

Linda Kueker of 375 Two Rod Road questioned the roadways, the housing, water, school district, busy intersection, etc.

Chairman Debbie Zimmerman stated this is a preliminary sketch plan and individuals present at this meeting can look at the plan after the meeting.

Vinnie Beisiegel of S-390 Two Rod Road questioned if the golf course would be public or private.

Debbie Zimmerman stated it will be a public golf course.

Mary Earsing of 106 Two Rod Road questioned why cluster housing is all on the Two Rod Road entrance. The residents suggested putting the main entrance on Clinton Street which is a main highway.

Vinnie Beisiegel of S-390 Two Rod Road questioned if in the future Mr. Berner could add more housing to this project.

Dan Handy stated no.

Mary Earsing of 106 Two Rod Road asked why he can't build the homes on Clinton Street and wondered why the conservation overlay district was approved which allows him to build the homes on Two Rod.

Eric Decker of 797 Two Rod Road questioned the size of the building lots and wanted to encourage the P.B. to think about the number of exceptions they are letting pass.

Diane Gorzynski of 3291 Blood Road asked if there will be deed restrictions enforced in the development.

Dan Handy responded the builder has to conform to Town of Marilla codes.

Sean Biggs of S-417 Two Rod Road questioned why details are lacking in this plan.

The P.B. responded it is only a recommendation on the overlay district.

Don Hirtzel of 353 Two Rod Road stated it is a good idea to review both preliminary sketch plans.

Richard Janiga cautioned that the plans are very preliminary and not even close to what the project may end up being.

Mary Earsing questioned if Mr. Berner is still going to continue his business.

The Planning Board responded yes.

Susan O'Brian of 460 Two Rod Road feels her peace and quiet is being disrupted.

Dan Handy stated he is disappointed in the Town Board's Flag Lot decisions feeling that all of the Planning Board's recommendations were thrown out.

Barbara Spanitz stated she is disappointed in some of the decisions but feels what was done with the Flag Lots is to create stricter rules.

Richard Janiga stated a gentleman who attended the last Town Board meeting made comments about the Planning Board stating they are not well prepared. This gentleman called Richard Janiga today apologizing to him personally and explained he directed the comment to other members of the Planning Board. Richard Janiga said he told him everyone on this Planning Board does the best job they can.

Chairman Debbie Zimmerman thanked everyone on the Planning Board for their hard work.

VII. **MOTION** to adjourn at 8:55 p.m. Nathan Barnard moved, seconded by Dan Handy, all in favor 7/0.

Respectfully submitted,

Laura Nuttle, Clerk